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Attorneys for Respondent
City of Los Angeles

FEE EXEMPT—Gov. Code § 6103

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ADRIAN RISKIN, an Individual;

Petitioner,

vs.

CITY OF LOS ANGELES, a Charter City and
Municipal Corporation; and DOES 1 THROUGH
, INCLUSIVE,

Respondents.

CASE NO. 19STCP05266

**DECLARATION OF BETHELWEL
WILSON IN SUPPORT OF OPPOSITION
TO PETITION FOR WRIT OF MANDATE**

Date: November 11, 2020

Time: 1:30

Dept.: 85

Judge: Honorable James C. Chalfant

I, Bethelwel Wilson, declare as follows

1. I am counsel for Respondent City of Los Angeles ("City") in the above-captioned action. I am over the age of eighteen and make this declaration based upon my own person knowledge. If called I could and would testify competently of the matters herein.

2. I am a Deputy City Attorney employed by the Los Angeles City Attorney's Office, where I serve as General Counsel to various City departments on CPRA. During my tenure, the City Attorney's

1 Office has processed 130 CPRA requests submitted by petitioner and defended against 10 lawsuits filed
2 by petitioner.

3 3. Upon receipt of petitioner's writ, I directed petitioner's requests to ITA for processing.
4 The Forms Request was processed rather quickly since the ITA search yielded less than 200 responsive
5 documents and required no format conversion.

6 4. As to petitioner's three email requests, ITA sent to the City Attorney search results via
7 individual mbox links which I submitted to Zylab, an outside vendor under City contract that extracts
8 files from mbox and converts them to pdf for purposes of redacting and tagging. Once the pdfs are
9 redacted and tagged for responsiveness and/or privilege, the requester receives a single file or multiples
10 files of the final nonexempt production in a single or in multiple pdf files depending on the size of the
11 production. If a requester disputes a privilege designation, the custodian can easily locate the disputed
12 record by its designated tag. The review features in Zylab enable custodians to quickly sort through
13 voluminous records common to broad CPRA requests and complex litigation.

14 5. In this instance, because the Williams-Westall search produced 1,616 potentially
15 responsive emails, the Huizar Request produced 19,600 potentially responsive emails, and the Garcetti
16 Request produced 9,112 potentially responsive emails (narrowed request), it took me approximately 5
17 months to review and redact documents for privilege and to remove duplicates. City produced pdfs
18 comprised of 1,115 pages emails responsive to the Westhall request, 3,201 pages of emails responsive to
19 the Garcetti request, and 6,498 pages of emails responsive to the Huizar request. City ultimately
20 produced a reduced number of emails to petitioner, not because the city purposefully overestimated the
21 number of records, but because removal of duplicates and privileged withholdings were required.

22 6. In back-and-forth conversations with City, counsel for petitioner raised the issue of
23 records being produced in MBOX. I explained that City has never produced redacted emails in MBOX
24 although has, when requested, produced in MBOX emails that do not require review or redaction. To
25 explain the City's limitations further, I arranged for opposing counsel to speak with an ITA supervisor,
26 who explained that City had not yet acquired the capability to review or redact emails in MBOX; hence,
27 City's reliance on converting MBOX files to PDF for review and redaction. Until the filing of
28

1 petitioner's declaration, I was never apprised of any specific portions of the production petitioner found
2 defective.

3 7. During telephone call with myself and ITA, Charlene Dennis informed counsel for
4 petitioner, that if petitioner desired metadata, City is able to generate metadata files in a separate load
5 file that can be reviewed and redacted.

6 8. On October 23, 2020, counsel for City learned that the Zylab software used to process the
7 three email requests at issue possesses the capability to reproduce the production as follows: non-
8 redacted emails in a range of native formats, attachments in native format, metadata, and redacted, text-
9 searchable emails in PDF format. While this method of production is possible in the instant case, it may
10 not be possible in others, as no City employees outside a few City Attorneys have access to Zylab
11 software (due to licensing costs), and each request for MBOX or native format must be evaluated on a
12 case-by-case, factoring in the nature of the request, technological feasibility, and burdens placed on the
13 department producing the records. *A true and correct copy of the October 23, 2020 communication to*
14 *counsel for petitioner is attached as Exhibit A.*

15 9. I declare under penalty of perjury under the laws of California that the foregoing is true
16 and correct. Executed on this **24th** day of October, 2020, in the City and County of Los Angeles,
17 California.

18
19 Bethelwel Wilson
BETHELWEL WILSON, Declarant

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EXHIBIT

A



Bethelwel Wilson <bethelwel.wilson@lacity.org>

Riskin v Los Angeles (ITA MBOX matter) - re: your proposed resolution

Abenicio Cisneros <acisneros@capublicrecordslaw.com>

Fri, Oct 23, 2020 at 4:22 PM

To: Bethelwel Wilson <bethelwel.wilson@lacity.org>

Cc: Joseph Wangler <josephwanglerlaw@gmail.com>

Bethelwel,

Thank you for sending this. I was in the process of writing you when I received this but then got pulled into another matter.

I spoke with my client, and I think we may be able to resolve this along these lines, but, as we discussed, we aren't going to be able to resolve it today.

Normally I'd be happy to grant an extension on your opposition, but, if we don't resolve this, I need to get the trial notebook with the Reply physically delivered to Court by 10/30 so I need to get it in the mail by Wednesday at the latest, so there's not a lot of time to spare. As such, I think it's best if the City files and serves its Opposition in the meantime.

I am still working with Mr. Riskin on what we'd want to resolve this without a hearing, but the elements we're solid on (in addition to what you've shared) is that: the redacted text-searchable PDFs would need to be provided as individual files rather than as one large file (it has practical impacts on the ability to use a script to name and sort the files); and we'd only need metadata for the redacted PDFs (since the native file emails come with metadata as is). I wouldn't expect either of those terms to be a problem, but let me know if those raise some issue.

Why don't we plan to talk on Monday before noon on next steps. If it seems like we're headed toward a resolution, I imagine we would submit a stip and order to continue the hearing to give Judge Chalfant as much notice as possible that the hearing may not happen. My suggestion would be that the stip and order sets the reply as being due with the trial notebook (7 days before the new hearing date), but let me know if you have something else in mind.

Does that sound like a path forward?

Best,
Abenicio Cisneros
CApublicrecordslaw.com
acisneros@CApublicrecordslaw.com
(707) 653-0438

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On Fri, Oct 23, 2020 at 3:29 PM Bethelwel Wilson <bethelwel.wilson@lacity.org> wrote:

Hey Abenicio,

To memorialize our earlier discussion. I learned from Zylab this morning that, with respect to these productions that were reviewed and redacted in Zylab, City can improve offer Adrian the following:

- native formats for unredacted emails, attachments, and metadata (will have to confirm the format if metadata needs to be redacted)
- unredacted emails would remain in pdf format but can be made text searchable

Here are the categories of metadata Zylab can provide:

BEGDOC
ENDDOC
BEGATTACH
ENDATTACH
CUSTODIAN

Email Fields

TO
FROM
CC
BCC
EMAIL SUBJECT
DATE SENT
DATE RCVD

E-Doc Fields

DATE MODIFIED
AUTHOR
FILENAME
EXTENSION
PAGE COUNT
MD5HASH

ORIGINAL FILE PATH/FOLDER PATH

TEXT PATH

NATIVE PATH

I understand Adrian is interested in a global negotiated deal with the City moving forward regarding production format, and as I told you this morning, for CPRA requests directed to my unit and clients, I will do my best to ensure at the very least that emails are text-searchable and attachments provided in native format. I cannot guarantee a standardized production across all departments, as I do not advise or consult with all departments on CPRA requests they receive. Each request would have to be evaluated on a case-by-case basis, weighing technical feasibility, the nature of the request, and burdens on the department. I can set up a call with Zylab at your convenience if Adrian is interested in this production option.

-B

On Fri, Oct 23, 2020 at 12:33 PM Abenicio Cisneros <acisneros@capublicrecordslaw.com> wrote:

Bethelwel,

Thank you for reaching out this morning. Apologies for my delay, I was unavailable this morning and just got your message.

It's a little late in the game, and I'm not optimistic we can resolve things in the next few hours, but I want some clarification to communicate the offer to Adrian.

To clarify, is the offer to produce all non-redacted emails in native format - even where other emails in the same production are redacted? For example, if there are 10 responsive emails, and 1 needs redaction, will the City produce the other 9 in MBOX or other native format?

Also, are you envisioning that this agreement covers the production from this case only, or will the City abide by this agreement moving forward?

I think I understand the attachment portion, so I don't have any questions there.

Once I get these clarifications, I'll communicate this to Adrian.

I'm around now, so feel free to give me a call if you prefer.

Thanks,

Best,
Abenicio Cisneros
CApublicrecordslaw.com
acisneros@CApublicrecordslaw.com
(707) 653-0438

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